

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
December 21, 2004

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:03 p.m., Tuesday, December 21, 2004, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Associate Pastor Chuck Harrison from Crossroads Community Church gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Shepperd led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. David Steele, Resident Engineer, Virginia Department of Transportation (VDOT), appeared to report on the County's highways and answer any questions the Board might have. He advised the Board that VDOT was ready for emergency operations and snow removal 24 hours a day. He addressed Chairman Shepperd concerning the traffic study and the installation of a flashing yellow light near the Tabb Library. He stated he would provide the drainage watch list next month.

Mr. Zarembo mentioned the blocked entrance to the Wal-Mart parking lot along the Lightfoot corridor and asked when another entrance would be open.

Mr. Burgett reported a clogged culvert at the intersection of Burts Road and Oriana Road.

Chairman Shepperd thanked Mr. Steele and his crew for the response to Lotz Acres and asked about a speed study on Victory Boulevard.

Mr. Steele reported VDOT was doing a speed study and signal analysis for the installation of a traffic signal. He stated a yield sign had been installed on Polaris Way, and they are looking into drainage issues as well.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Shepperd introduced and welcomed Mary Lou Wassel as a newly appointed member to the York-Poquoson Social Services Board and presented her with a Boards and Commissions Handbook and York County pin.

CITIZENS COMMENT PERIOD

No one appeared to speak at this time.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett reported on the Motorola contract for the new E911 Center that was being circulated for signature.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board of its organizational meeting on January 4 and the remaining upcoming meetings in January. He wished everyone a happy holiday season.

MATTERS PRESENTED BY THE BOARD

Mr. Zaremba wished the citizens of the County the best of holidays and then wished Chairman Shepperd a happy birthday.

Mr. Burgett also wished the Chairman a happy birthday and season's greetings to all citizens. He announced that Newport News would be providing land to the County for a much needed athletic field near Fort Eustis Boulevard. He also addressed the kinds of things that were being done for the senior citizens of the County, and pointed out that the current agenda included a large tax relief for the elderly and handicapped citizens.

Mrs. Noll suggested the Board try and balance the needs and wants for all ages of the County. She summarized a newspaper article that announced NASA's 6 percent increase in its budget, with Langley having a 14 percent reduction in its budget. She explained that this budget cut would affect research and development, thereby affecting the job market. She encouraged all residents to contact their congressmen and senators to let them know how important NASA/Langley is to the area. Mrs. Noll asked everyone to pray for peace to those overseas protecting our freedom, and she wished all happy holidays.

Mr. Bowman also wished the Board, staff and citizens happy holidays, and sent a birthday wish to his wife Brenda, as well as Chairman Shepperd. He stated he attended the Christmas tree lighting and boat parade, and it was a wonderful occasion. He echoed Mrs. Noll's sentiments concerning the people overseas serving the Country.

Chairman Shepperd reported that the Hampton Roads Mayors and Chairs had sent the Governor a request for support for social services, and the Governor responded with a letter supporting the budget with additional funding. He reported on the proposed merger of the Peninsula Alliance for Economic Development with the Hampton Roads Economic Development Alliance and discussed the County's objection to the merger due to the buy-in required, and the fear that the tax dollars would be used primarily for Southside activities. He discussed a study by the Hampton Roads Planning District Commission that compared localities, and he mentioned strategies developed to strengthen the regional economy. He spoke on the Chesapeake Bay water quality study and stated that Virginia is not doing its share to protect the Chesapeake Bay.

Mrs. Noll commented that many of the problems derive from the agricultural industry not doing its share of cleaning up pollution that enters the bay. She stated she felt the state should fund the money for the Bay's clean up, but acknowledged that unless the legislature acts in an aggressive manner, it will become the local citizenry that will foot the bill.

Chairman Shepperd also mentioned a crossroads study that is underway to address congestion in local areas, and he noted that the Planning District Commission was working on the best way to solve the problem. He stated if nothing is done, the entire length of Interstate 64 could be backed up with 30-minute delays causing bumper-to-bumper gridlock. He then listed some of the statistical information concerning congestion in the area and offered available options to help eliminate the problem. He also reported on air traffic congestion in the area.

Mr. Zaremba responded that in 2015-20, this area would see traffic congestion similar to southern California. He talked about how the interstate system was financed, with the Federal government having shifted the responsibility to the states.

Mrs. Noll mentioned that the state does not have sufficient funding to take advantage of the Federal money that is available from the government.

Chairman Shepperd noted that this was his last meeting as Chairman, and he now had a much broader perspective of the County through having served in the position. He commented on the envy of other localities towards the County due to York's consistent theme of taking care of its community. He mentioned many of the obstacles the County has recovered from such as the hurricane, state revenue cuts, and other budget issues. He mentioned that American Cities and Counties identified York as 37th in the nation, out of a possible 3,100, as a safe, great locality in which to live. He touched on the news of Iraq involving the Virginia National Guard and reminded all that freedom was not free and required sacrifices. He then wished all happy holidays.

Meeting Recessed: At 7:50 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened: At 8:00 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

APPLICATION NO. UP-650-04, WILLIAM F. RHINEHART

Mr. Carter gave a presentation on Application No. UP-650-04 to approve a use permit authorizing a 768-square foot accessory apartment on the second floor of an existing detached garage located at 202 Sonshine Way. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R04-173.

Mr. Rhinehart appeared to explain his request for the use permit and to answer any questions the Board might have. He stated that his original intention was not to finish out the room, but he has now reconsidered and would like to finish it with a bathroom.

Chairman Shepperd called to order a public hearing on application UP-650-04 that was duly advertised as required by law. Proposed Resolution R04-173 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 202 SONSHINE WAY

There being no one present who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mr. Zaremba then moved the adoption of proposed Resolution R04-173 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 202 SONSHINE WAY

WHEREAS, William E. Rinehart has submitted Application No. UP-650-04 to request a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 1.12-acre parcel of land located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6; and

December 21, 2004

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has given careful consideration to the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of December, 2004, that Application No. UP-650-04 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to allow a detached accessory apartment in conjunction with a single-family detached dwelling to be contained within a proposed two-story garage on a 1.12-acre parcel of land located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6 subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained on the second floor of an existing two-story detached garage on a 1.12-acre parcel of land located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6.
2. The apartment shall be contained within the existing structure located on the eastern side of the subject property as indicated on the sketch plan submitted by the applicant titled "202 Sonshine Way," prepared by The York County Geographic Information Systems Office of the Division of Computer Support Services and received by the Planning Division on September 29, 2004. Building plans in substantial conformance with the floor plans submitted by the applicant and received by the Planning Division on September 29, 2004 shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the issuance of a building permit for the accessory apartment.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of 768 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. Any development on the lot shall be in compliance with Section 24.1-372 of the County Zoning Ordinance.
9. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance.

nance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.

10. Issuance of this Special Use Permit does not supersede any legally recorded restrictive covenants that may apply to the subject property, nor does it relieve the applicant and/or property owner of any obligation to secure approvals that may be required by a homeowners' association in accordance with said covenants.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd
Nay: (0)

APPLICATION NO. UP-651-04, HOLIDAY CHEVROLET-CADILLAC, INC.

Mr. Carter gave a presentation on Application No. UP-651-04 approve a use permit authorizing the use of property located at 817 Merrimac Trail as a temporary automobile sales display lot for approximately 80 vehicles. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R04-174.

Mr. Zaremba pointed out that the applicant was storing vehicles on the property prior to coming before the Board. He asked if the applicant knew he needed to come before the Board for a permit.

Mr. Carter stated it was an oversight on the applicant's part.

Mr. Bowman questioned the selling and storing of vehicles on the site.

Mr. Carter indicated the applicant's primary need was for vehicle storage.

Mr. Burgett expressed his concern about the landscape requirements for a temporary facility. Discussion ensued regarding the landscape requirements.

Mr. Art Hudgins, President of Holiday Hudgins, appeared to explain his request and answer any of the Board's questions.

Mrs. Noll asked if Mr. Hudgins had any future plans for the property.

Mr. Hudgins indicated he had plans for another business at that location.

Chairman Shepperd called to order a public hearing on Application No. UP-651-04 that was duly advertised as required by law. Proposed Resolution R04-174 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE AN AUTOMOBILE SALES DISPLAY LOT AT 817 MERRIMAC TRAIL

There being no one present who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R04-174 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE AN AUTOMOBILE SALES DISPLAY LOT AT 817 MERRIMAC TRAIL

WHEREAS, Holiday Chevrolet-Cadillac, Inc. has submitted Application No. UP-651-04 to request a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance, to authorize an automobile sales display lot on property located at 817 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-35; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has given careful consideration to the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of December, 2004, that Application No. UP-651-04 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance, to allow an automobile sales display lot on property located at 817 Merrimac Trail (Route 143) and identified as Assessor's Parcel No. 10-35, subject to the following conditions:

1. This use permit shall authorize establishment of an automobile sales display lot on property located at 817 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-35.
2. The automobile sales display lot shall be arranged and located on the site in substantial conformance with the sketch plan submitted by the applicant in conjunction with this application, received on October 5, 2004, and made a part hereof by reference. Prior to occupying the site, the applicant shall be responsible for filing a site plan conforming to the requirements and procedures of the York County Zoning Ordinance.
3. The Special Use Permit authorizing use of this site for an automobile sales display facility shall be limited to a term coinciding with authorized construction activity associated with the expansion of the primary Holiday Chevrolet-Cadillac dealership facility located at 543 Second Street, or expiring one (1) year from the date of site plan approval for that facility, whichever occurs first. All vehicles shall be removed from the subject property prior to the expiration of the Special Use Permit or prior to the issuance of the Certificate of Occupancy for the expanded primary dealership location, whichever occurs first.
4. Prior to occupying the site the applicant shall present evidence to the Division of Development and Compliance that the site is properly licensed by the Motor Vehicle Dealer Board as an ancillary facility to the primary dealership location at 543 Second Street.
5. The subject site shall be used solely for the display of new vehicles for sale. No used/pre-owned vehicles shall be displayed on the site.
6. There shall be no free-standing or building mounted signage allowed in conjunction with the use.
7. Vehicles shall not be displayed/parked on the south side of the existing building or within 20 feet of the front property line or 10 feet of the side (northern) property line. All vehicles shall be displayed/parked on the existing asphalt surface on the site.

8. Vehicles shall not be unloaded (or loaded) from car carriers/trailers at this site. No vehicle washing, servicing or similar activities shall be permitted on this site.
9. Prior to occupying the site, the applicant shall be responsible for installing landscaping in the existing grassed island in front of the property. Such landscaping shall consist of a minimum of two (2) Weeping Cherry trees and six (6) shrubs.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd
 Nay: (0)

TAX RELIEF FOR THE ELDERLY

Mr. Frank Rogers, Department of Community Services, gave a presentation on proposed Ordinance No. 04-32 to increase the real estate tax exemption for elderly and disabled persons.

Chairman Shepperd called to order a public hearing on proposed Ordinance No. 04-32 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTIONS 21-41, 21-42, AND 21-44 OF THE YORK COUNTY CODE, TO INCREASE THE REAL ESTATE TAX EXEMPTION FOR ELDERLY AND DISABLED PERSONS BY INCREASING THE MAXIMUM ALLOWABLE HOUSEHOLD INCOME FOR QUALIFYING INDIVIDUALS FROM \$30,900 TO \$50,000 FOR ONE ELIGIBLE OWNER AND FROM \$35,350 TO \$50,000 FOR TWO ELIGIBLE OWNERS; BY INCREASING THE MAXIMUM EXCLUDABLE INCOME OF RELATED PERSONS IN THE SAME HOUSEHOLD FROM \$6,500 TO \$10,000; BY INCREASING THE EXCLUSION OF INCOME FOR DISABLED INDIVIDUALS FROM \$7,500 TO \$10,000; BY INCREASING THE EXCLUDABLE NET VALUE OF THE RESIDENTIAL DWELLING AND LAND FROM \$100,000 TO \$200,000; AND BY INCREASING THE MAXIMUM EXCLUSION FROM NET WORTH FOR A DWELLING AND LAND FROM 1 ACRE TO 10 ACRES, AS AUTHORIZED BY SECTION 58.1-3211 OF THE CODE OF VIRGINIA

There being no one present who wished to speak concerning the subject ordinance, Chairman Shepperd closed the public hearing.

Mr. Bowman then moved the adoption of proposed Ordinance No. 04-32 that reads:

AN ORDINANCE TO AMEND SECTIONS 21-41, 21-42, AND 21-44 OF THE YORK COUNTY CODE, TO INCREASE THE REAL ESTATE TAX EXEMPTION FOR ELDERLY AND DISABLED PERSONS BY INCREASING THE MAXIMUM ALLOWABLE HOUSEHOLD INCOME FOR QUALIFYING INDIVIDUALS FROM \$30,900 TO \$50,000 FOR ONE ELIGIBLE OWNER AND FROM \$35,350 TO \$50,000 FOR TWO ELIGIBLE OWNERS; BY INCREASING THE MAXIMUM EXCLUDABLE INCOME OF RELATED PERSONS IN THE SAME HOUSEHOLD FROM \$6,500 TO \$10,000; BY INCREASING THE EXCLUSION OF INCOME FOR DISABLED INDIVIDUALS FROM \$7,500 TO \$10,000; BY INCREASING THE EXCLUDABLE NET VALUE OF THE RESIDENTIAL DWELLING AND LAND FROM \$100,000 TO \$200,000; AND BY INCREASING THE MAXIMUM EXCLUSION FROM NET WORTH FOR A DWELLING AND LAND FROM 1 ACRE TO 10 ACRES, AS AUTHORIZED BY SECTION 58.1-3211 OF THE CODE OF VIRGINIA

VIDUALS FROM \$7,500 TO \$10,000; BY INCREASING THE EXCLUDABLE NET VALUE OF THE RESIDENTIAL DWELLING AND LAND FROM \$100,000 TO \$200,000; AND BY INCREASING THE MAXIMUM EXCLUSION FROM NET WORTH FOR A DWELLING AND LAND FROM 1 ACRE TO 10 ACRES, AS AUTHORIZED BY SECTION 58.1-3211 OF THE CODE OF VIRGINIA

WHEREAS, eligible persons in York County who are over sixty-five years of age or permanently and totally disabled are now at least partially exempt from the payment of real estate taxes on their home by Section 58.1-3211, Code of Virginia; and

WHEREAS, it is the purpose of the Board to take advantage of the liberalized provisions effected by amendments to the Code of Virginia in order to increase the benefit to eligible citizens of the County, and to make certain technical amendments to the County Code provisions relating to this exemption program;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of December, 2004, that effective with the 2005 Tax Year, Sections 21-41, 21-42 and 21-44, of the York County Code, be, and they are hereby amended to read and provide as follows:

Sec. 21-41. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Affidavit. The tax exemption affidavit provided for in this article.

Commissioner of the revenue. The commissioner of the revenue of the county or his duly authorized deputies or agents.

County assessor. The county assessor of the county or his duly authorized deputies or agents.

Dwelling. The building or mobile home owned or partially owned by an occupied as the sole residence of the person claiming exemption under this article, including up to ten (10) acres of land on which it is situate.

Exemption. Permanent relief from liability for the taxes of the county, according to the provisions of this article.

Mobile home. An industrialized building unit constructed on a chassis for towing to the point of use and designed to be used, without a permanent foundation, for continuous year-round occupancy as a dwelling; or two (2) or more such units separately towable, but designed to be joined together at the point of use to form a single dwelling, and which is designed for removal to and installation or erection on other sites.

Permanently and totally disabled. Unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

Taxable year. The calendar year from January first through December thirty-first for which exemption is claimed under this article.

Sec. 21-42. Authorized; maximum amount.

Tax exemption is provided for the dwelling of qualified property owners who are not less than sixty-five (65) years of age or who are permanently and totally disabled and who are otherwise eligible according to the provisions of this article. Persons qualifying for exemption are deemed to be bearing an extraordinary tax burden on the property described in this article, in relation

to their income and financial worth. Persons qualifying for and claiming exemption under this article shall be exempt from the amount of taxes assessed against such property, as determined by the following chart:

Total Combined Income as determined Pursuant to section 21-44		Amount of Exemption
<u>1 Eligible Owner</u>	<u>2 or more Eligible Owners</u>	
Less than \$19,550.00	Less than \$22,350.00	100%
\$19,550.00 to \$29,700.00	\$22,350.00 to \$31,567.00	An amount not to exceed \$600.00
\$29,700 to \$39,850.00	\$31,567.00 to \$40,784.00	An amount not to exceed \$420.00
\$39,850 to \$50,000	\$40,784.00 to \$50,000.00	An amount not to exceed \$300.00

Sec. 21-44. General perquisites to grant.

Exemption shall be granted to eligible persons subject to the following requirements:

- (a) A dwelling jointly held by a husband and wife may qualify if either spouse is sixty-five (65) or over or who is permanently and totally disabled.
- (b) The dwelling is occupied as the sole residence of the person or person(s) claiming exemption; provided, however, that the residence of persons, who are otherwise qualified for tax exemption under this article, for extended periods of time in hospitals, nursing homes, convalescent homes or other facilities for physical or mental care shall not be construed to mean that the real estate for which exemption is sought has ceased to be the sole dwelling of such persons during extended periods of other residence, unless such real estate is used by or leased to others for consideration.
- (c) The eligible person(s) occupying such dwelling and owning title thereto is/are not less than sixty-five (65) years of age on December thirty-first of the year immediately preceding the taxable year or is/are determined to be totally and permanently disabled not later than December thirty-first of the year immediately preceding the taxable year.
- (d) The total combined income during the immediately preceding calendar year, from all sources, of the owner of the dwelling living therein and the owner's relatives living in the dwelling does not exceed fifty thousand dollars (\$50,000.00).; provided, however, that the first ten thousand dollars (\$10,000.00) of each relative, other than spouse, of the owner who is living in the dwelling, and the first ten thousand dollars (\$10,000.00), or any portion thereof, of any income received by an owner who is permanently disabled shall not be included in such total.
- (e) The net combined financial worth, including equitable interests, as of December thirty-first of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding ten (10) acres, upon which it is situated, does not exceed two hundred thousand dollars (\$200,000.00). The value of furnishings, such as furniture, household appliances and other items typically used in a home, shall also be excluded from the net combined financial worth of such owner.

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On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd
Nay: (0)

DRAINAGE EASEMENT CONVEYANCE: HOME DEPOT

Mr. Barnett gave a presentation on proposed Resolution R04-180 to authorize the execution of a deed conveying to Home Depot USA, Inc., a 20-foot drainage easement across real property owned by the County of York and located adjacent to Mooretown Road for the purpose of stormwater drainage into a County-owned stormwater management pond.

Chairman Shepperd called to order a public hearing on proposed Resolution R04-180 which was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A DEED CONVEYING TO HOME DEPOT USA, INC.
A 20' DRAINAGE EASEMENT ACROSS REAL PROPERTY OWNED
BY THE COUNTY OF YORK AND LOCATED ADJACENT TO
MOORETOWN ROAD (STATE ROUTE 603) FOR THE PURPOSE OF
STORMWATER DRAINAGE INTO A COUNTY-OWNED STORMWA-
TER MANAGEMENT POND

There being no one present who wished to speak concerning the subject resolution, Chairman Shepperd closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R04-180 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A DEED CONVEYING TO HOME DEPOT USA, INC.
A 20' DRAINAGE EASEMENT ACROSS REAL PROPERTY OWNED
BY THE COUNTY OF YORK AND LOCATED ADJACENT TO
MOORETOWN ROAD (STATE ROUTE 603) FOR THE PURPOSE
OF STORMWATER DRAINAGE INTO A COUNTY-OWNED
STORMWATER MANAGEMENT POND

WHEREAS, the County is the owner of a certain parcel of real estate located on Mooretown Road (State Route 603) in York County, otherwise identified as York County GPIN #C19A-0187-2864 on which is located a stormwater management pond acquired and maintained by the County for the purpose of providing storm drainage for adjacent property owners, at the cost of such adjacent property owners; and

WHEREAS, Home Depot USA, Inc., having entered into an agreement with the County for the utilization and maintenance of the pond, now desires to obtain an easement from the County for the purpose of allowing storm drainage to cross a portion of the County's property and to enter the pond; and

WHEREAS, following a public hearing duly advertised, this Board has determined that it is in the public interest to grant the requested easement.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of December, 2004, that the County Administrator is authorized to execute a deed of easement conveying to Home Depot USA, Inc., a 20' drainage easement across real property owned by the County as such easement is shown on a plat by AES Consulting Engineers dated November 22, 2004, a copy of which was attached to the County Attorney's Memorandum of December 3, 2004, such deed to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd
 Nay: (0)

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 5, 6, 7, 8, 9, and 10, respectively.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd
 Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 5. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

November 16, 2004, Regular Meeting.
 November 23, 2004, Adjourned Meeting.

Item No. 6. APPROVAL OF PROCUREMENT ACTION: Resolution R04-177.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES FOR BRANDYWINE DRAINAGE IMPROVEMENTS, AND CONTRACTS TO CONSTRUCT THE SMITH LANDING WATERFRONT IMPROVEMENTS AND SIDEWALK IMPROVEMENTS AT MERRIMAC TRAIL AND SECOND STREET

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of December, 2004, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Brandywine Drainage Improvement Design	\$ 99,800
Smith Landing Waterfront Improvements	525,450
Sidewalk Improvements: Rt. 143 and Rt. 162	392,570

Item No. 7. COMMENDATION OF RETIRING EMPLOYEE: Resolution R04-181.

A RESOLUTION TO COMMEND BRENDA T. STROUP, YORK COUNTY SENIOR ACCOUNTING SUPERVISOR, ON THE OCCASION OF HER RETIREMENT

WHEREAS, Brenda T. Stroup, began employment as an Account Clerk II in the Finance Department managing the daily operation and maintenance of the County's payroll system on November 12, 1976, and on January 1, 2005, is retiring from her present position as Senior Accounting Supervisor after 28 years of service; and

WHEREAS, through hard work, high standards, a can-do attitude and a commitment to personal growth and excellence, Mrs. Stroup was promoted to Senior Accounting Supervisor, and

WHEREAS, Mrs. Stroup has worked diligently to insure the efficient and effective operation of the payroll section, despite the increased complexity of managing payroll as a result of changes in federal and state laws and the growth in number of employees, and

WHEREAS, Mrs. Stroup has been dedicated to insuring the County's compliance with all applicable federal, state and local laws, and her considerable talents and knowledge of rules and regulations have resulted in a minimum of questions and problems through the years with the Internal Revenue Service and other agencies, and

WHEREAS, Mrs. Stroup has performed a wide-variety of duties with ever-increasing responsibilities within the accounting department, and has assumed responsibility for risk management in addition to her other duties, and

WHEREAS, Mrs. Stroup was crucial in the implementation of the Bright and Associates accounting system and the Kronos time and attendance management system, and has made significant contributions in the development, implementation, and interpretation of County personnel policies and procedures, and

WHEREAS, County staff and citizens have benefited from her skills, loyalty and exemplary efforts,

NOW, THEREFORE, BE IT RESOLVED, by the York County Board of Supervisors that Brenda T. Stroup is to be commended for her dedication, her loyalty and her commitment throughout the past 28 years and for her exemplary efforts and her many accomplishments; and

BE IT FURTHER RESOLVED that at this time of her retirement, an expression of appreciation be conveyed to Mrs. Stroup on behalf of the County of York and its staff.

BE IT STILL FURTHER RESOLVED that the Board of Supervisors offers the very best wishes to her and to her loved ones for a rewarding and pleasurable retirement.

Item No. 8. PUBLIC SEWER EXTENSION AGREEMENT: VICTORY ESTATES: Resolution R04-178.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS VICTORY ESTATES, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, McEdgewood, LLC has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve twenty-nine new residential lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development;

and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$66,700.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of December, 2004, that the Board approves the extension of the County's public sewer system to serve the proposed development, Victory Estates, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with McEdgewood, LLC for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 9. NEW FERRY REQUEST: Resolution R04-183.

A RESOLUTION TO REQUEST THAT BY 2007 THE COMMONWEALTH OF VIRGINIA FINANCE AND CONSTRUCT AN ADDITIONAL FERRY TO ADD TO THE JAMESTOWN-SCOTLAND FERRY SERVICE

WHEREAS, the Jamestown-Scotland Ferry is an important and vital part of the transportation network and the economy of both sides of the James River, with the number of vehicles using the ferry currently averaging 3,000 per day; and

WHEREAS, there are not sufficient ferries to handle the existing number of vehicles in an efficient manner, resulting in long lines and frustrating delays for persons waiting to ride the ferry; and

WHEREAS, this situation will only become more aggravated with the 400th anniversary of Jamestown in 2007 and with the general population growth in the area; and

WHEREAS, a new ferry would help to alleviate the current problem and would also allow visitors to the area for the Jamestown 2007 Commemoration to have a quality experience visiting historic areas and sites on both sides of the James River; and

WHEREAS, in order for a new ferry to be built and ready for use in time for the Jamestown 2007 Commemoration, it is necessary that a decision to build a new ferry and fund the cost of construction be made immediately.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of York County, Virginia, this 21st day of December, that it is of vital importance for the citizens of the area and guests expected to visit during the Jamestown 2007 Commemoration that the Commonwealth of Virginia finance and build a new ferry for the Jamestown-Scotland ferry and that such ferry be placed into service in time for the Jamestown 2007 Commemoration celebration.

Item No. 10. EMPLOYEE OF THE QUARTER: Resolution R04-185.

A RESOLUTION TO COMMEND PAUL SEXTON IN THE DEPARTMENT OF GENERAL SERVICES AS EMPLOYEE OF THE QUARTER

WHEREAS, Paul Sexton has been employed with the County since June of 1992 and currently holds the position of Building Systems Superintendent in the Department of General Services; and

December 21, 2004

WHEREAS, Mr. Sexton has successfully installed and implemented the County-wide Staefa control system which allows him to monitor, control and diagnose problems with the HVAC system from his office or home by making the necessary changes from his desk without visiting the site; and

WHEREAS, Mr. Sexton has expanded the system to control parking lot, street, and ball field lighting and has also been instrumental in assisting with the Staefa control system connection between the Public Safety Building and the new Emergency Communications Center resulting in the implementation of Mr. Sexton's \$5,000 cost-saving suggestion during the design of that facility; and

WHEREAS, Mr. Sexton has led several "contract size" in-house projects throughout the County, saving thousands of dollars such as the replacement of the boiler on the roof of the Finance Building and the design and installation of mechanical systems to support the creation of new workspace within the Computer Support Service building; and

WHEREAS, when neither the architect/engineering firm nor the contractor hired to install a new ventilation system in two fire stations could figure out the control system, Mr. Sexton designed it, installed it, and made it work; and

WHEREAS, Mr. Sexton's exemplary performance and dedication make him an invaluable employee who continues to strive for excellence and who is an inspiration to others, is therefore recommended for Employee of the Quarter;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of December, 2004, that Paul Sexton, Building Systems Superintendent, be and is hereby congratulated upon his selection as Employee of the Quarter for the quarter ended September 30, 2004.

CLOSED MEETING. At 8:34 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd
Nay: (0)

Meeting Reconvened. At 8:42 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Burgett moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of December, 2004, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd
Nay: (0)

APPOINTMENT TO THE YORK-POQUOSON DEPARTMENT OF SOCIAL SERVICES

Mr. Bowman moved the adoption of proposed Resolution R04-166 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE TO THE YORK-POQUOSON SOCIAL SERVICES BOARD

WHEREAS, the term of Leon S. Hirsh as a member of the York-Poquoson Social Services Board expires December 31, 2004, and he has expressed his desire not to be considered for reappointment;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of December, 2004 that Davene Moore be, and is hereby appointed to the York-Poquoson Social Services Board for a term of four years, such term to begin January 1, 2005, and end December 31, 2008.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd
Nay: (0)

APPOINTMENT TO THE STORMWATER ADVISORY COMMITTEE

Mr. Bowman moved the adoption of proposed Resolution R04-171 that reads:

A RESOLUTION TO APPOINT MEMBERS TO THE STORMWATER ADVISORY COMMITTEE

WHEREAS, the terms of Edward Moninger, District 1, and M. Kenneth Taylor, Jr., District 5, expired on November 30, 2004, and Mr. Taylor seeks reappointment; and

WHEREAS, Jim Pouchot, District 4, has resigned and the Committee is in need of a new member from District 4 to complete his term.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of December, 2004, that Spencer Gaarder, Jr., and is hereby appointed as voting members to the York County Stormwater Advisory Committee, such appointments to take effect July 1, 2004, and expire on June 30, 2006.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd
Nay: (0)

APPOINTMENT TO THE TRANSPORTATION SAFETY COMMISSION

December 21, 2004

Mrs. Noll moved the adoption of proposed Resolution R04-176 that reads:

A RESOLUTION TO APPOINT THREE MEMBERS TO THE YORK COUNTY
TRANSPORTATION SAFETY COMMISSION

WHEREAS, Adrian H. Rymer and Ralph A. Smith will complete their terms on the York County Transportation Safety Commission on December 31, 2004, and Robert T. Hornsby has submitted his resignation from the Commission, and;

WHEREAS, both Mr. Rymer and Mr. Smith wish to be considered for reappointment;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of December, 2004, that the following individuals be, and they are hereby, appointed to serve on the York County Transportation Safety Commission for terms to begin January 1, 2005 and expire on December 31, 2007:

Ralph Smith
Adrian Rymer
William Cooper

BE IT FURTHER RESOLVED that the following individual be, and is hereby, appointed to serve on the York County Transportation Safety Commission for a term to begin immediately and expire on December 31, 2005:

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd
Nay: (0)

Meeting Adjourned. At 8:48 p.m. Mrs. Noll moved that the meeting be adjourned sine die.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd
Nay: (0)

James O. McReynolds, Clerk
York County Board of Supervisors

Thomas G. Shepperd, Jr., Chairman
York County Board of Supervisors